

1 JOSEPH P. RUSSONIELLO (CASBN 44332)
2 United States Attorney

FILED

3 E-FILING

2008 FEB 20 P 2:52

4 RICHARD W. WIEKING
5 CLERK
U.S. DISTRICT COURT
NO. DIST OF CA. S.J.

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7 JW
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JW
RS

10 UNITED STATES OF AMERICA,

CR No. CR 08 00088

11 Plaintiff,

) VIOLATIONS: 21 U.S.C. §§ 846 –
12 v.) Conspiracy to Distribute lysergic acid
13) diethylamide (LSD); 18 U.S.C. § 4 -
14 DAVID LOUIS BEHAR,) Misprision of a Felony
15 LINDSAY ROBIN HOGUE,)
16 TARA BERGSTRAND, and) SAN JOSE VENUE
17 JOHN ROGER LAGACE,)
18 a/k/a Brandon Draper,)
19 Defendants.)

INFORMATION

20 The United States Attorney charges:

21 COUNT ONE: (21 U.S.C. § 846 – Conspiracy to Distribute LSD)

22 Beginning at a time unknown to the United States, but no later than November 28, 2007,
23 and continuing through and including November 29, 2007, in the Northern District of California
24 and elsewhere, the defendant,

25 . DAVID LOUIS BEHAR,
26 did knowingly and intentionally conspire with other persons, known and unknown, to distribute 5
27 grams and more of a controlled substance, to wit, lysergic acid diethylamide, commonly known
28 as LSD, in violation of Title 21, United States Code, Section 846.

INFORMATION

1 COUNT TWO: (21 U.S.C. § 846 – Conspiracy to Distribute LSD)

2 Beginning at a time unknown to the United States, but no later than November 28, 2007,
3 and continuing through and including November 29, 2007, in the Northern District of California
4 and elsewhere, the defendant,

5 JOHN ROGER LAGACE,
6 a/k/a Brandon Draper,

7 did knowingly and intentionally conspire with other persons, known and unknown, to distribute
8 27 grams and more of a controlled substance, to wit, lysergic acid diethylamide, commonly
9 known as LSD, in violation of Title 21, United States Code, Section 846.

10

11 COUNT THREE: (18 U.S.C. § 4 – Misprision of a Felony)

12 On or about November 2007, in the Northern District of California, and elsewhere, the
13 defendants,

14 LINDSAY ROBIN HOGUE, and
15 TARA BERGSTRAND,

16 having knowledge of the actual commission of a felony cognizable by a court of the United
17 States, to wit: conspiracy to distribute LSD, did knowingly conceal and fail as soon as possible to
18 make known the commission of said felony to a judge and any other person in civil authority
19 under the United States, all in violation of Title 18, United States Code, Section 4.

20 DATED: *2/20/08*

21 JOSEPH P. RUSSONIELLO
22 United States Attorney

23 
24 DAVID R. CALLAWAY
25 Deputy Chief, San Jose Office

26 (Approved as to form:
27 
28 AUSEM SCHENK

INFORMATION

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

21 U.S.C. Section 846 -
CONSPIRACY TO DISTRIBUTE
5 GRAMS AND MORE OF LSD

E-FILING

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

minimum mandatory term of 5 years imprisonment
maximum term of 40 years imprisonment
\$2,000,000 fine; \$100 special assessment
at least 4 years of Supervised Release

PROCEEDING

Name of Complainant Agency, or Person (&Title, if any)
DRUG ENFORCEMENT ADMINISTRATION

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprocution of charges previously dismissed
 which were dismissed on motion of:

U.S. Att'y Defense
 this prosecution relates to a pending case involving this same defendant
 prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

07-70709 HRL

Name and Office of Person Furnishing Information on THIS FORM

JOSEPH P. RUSSONIELLO

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

JEFFREY B. SCHENK

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

FILED

DEFENDANT - U.S.

DAVID LOUIS BEHAR

DISTRICT COURT NUMBER
MICHAEL J. ROTH
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

JW
RS

CR 08 00088

DEFENDANT

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
1) If not detained give date any prior summons was served on above charges
2) Is a Fugitive
3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
5) On another conviction
6) Awaiting trial on other charges } Fed'l State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

PROCESS:

SUMMONS NO PROCESS*

WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

1

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED

18 U.S.C. Section 4 -
 MISPRISION OF A FELONY

E-FILING

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

maximum term of 3 years imprisonment
\$250,000 fine
\$100 special assessment
3 years Supervised Release

PROCEEDING

Name of Complainant Agency, or Person (&Title, if any)
DRUG ENFORCEMENT ADMINISTRATION

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprocsecution of charges previously dismissed which were dismissed on motion of:

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 prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

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U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

JEFFREY B. SCHENK

FILED

DEFENDANT U.S.
 FEB 20 2008

RICHARD G. WILSON
 CLERK
 DISTRICT COURT
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CR 08 00088 JW

JW**RS****DEFENDANT****IS NOT IN CUSTODY**

- Has not been arrested, pending outcome this proceeding.
- 1) If not detained give date any prior summons was served on above charges
 - 2) Is a Fugitive
 - 3) Is on Bail or Release from (show District)

NORTHERN DISTRICT OF CALIFORNIA

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction
- 6) Awaiting trial on other charges } Fed'l State

If answer to (6) is "Yes", show name of Institution

Has detainer been filed? Yes No If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

SUMMONS NO PROCESS*

WARRANT Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____

Before Judge: _____

Comments: _____

Q

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

FILEDName of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA**OFFENSE CHARGED**18 U.S.C. Section 4 -
MISPRISION OF A FELONY**E-FILING**

2000 FEB
 Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

maximum term of 3 years imprisonment

\$250,000 fine

\$100 special assessment

3 years Supervised Release

PROCEEDINGName of Complainant Agency, or Person (&Title, if any)
DRUG ENFORCEMENT ADMINISTRATION person is awaiting trial in another Federal or State Court, give name of court this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District this is a reprocsecution of charges previously dismissed which were dismissed on motion of: U.S. Att'y Defense this prosecution relates to a pending case involving this same defendant prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.
} MAGISTRATE CASE NO.

07-70709 HRL

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JOSEPH P. RUSSONIELLO

 U.S. Att'y Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

JEFFREY B. SCHENK

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

PROCESS: SUMMONS NO PROCESS* WARRANT Bail Amount: _____

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address: _____

Date/Time: _____

Before Judge: _____

Comments: _____

20 P 2:51
DEFENDANT - U.S.RICHARD W. LEVINS
TARA BERGSTRAND

JW

DISTRICT COURT NUMBER

CR 08 00088

RS

DEFENDANT**IS NOT IN CUSTODY**

- 1) Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

NORTHERN DISTRICT OF CALIFORNIA

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction
- 6) Awaiting trial on other charges } Fed'l State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes } If "Yes"
 No } give date filed

DATE OF ARREST } Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

 This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:** SUMMONS NO PROCESS* WARRANT Bail Amount: _____

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address: _____

Date/Time: _____

Before Judge: _____

3

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA**OFFENSE CHARGED**

21 U.S.C. Section 846 -
CONSPIRACY TO DISTRIBUTE
27 GRAMS AND MORE OF LSD

E-FILING

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

minimum mandatory term of 10 years imprisonment
maximum term of life imprisonment
\$4,000,000 fine; \$100 special assessment
at least 5 years of Supervised Release

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
DRUG ENFORCEMENT ADMINISTRATION

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprocution of charges previously dismissed
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U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

JEFFREY B. SCHENK

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

SUMMONS NO PROCESS* WARRANT Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

FILED FEB 20 2008 DEFENDANT - U.S.
JOHN ROGER LAGACE, a/k/a Brandon Draper
RICHARD W. CLARK U.S. DISTRICT CLERK
DISTRICT COURT NUMBER
CR 08 00088 JW RS

DEFENDANT**IS NOT IN CUSTODY**

- Has not been arrested, pending outcome this proceeding.
- 1) If not detained give date any prior summons was served on above charges
 - 2) Is a Fugitive
 - 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction
 - 6) Awaiting trial on other charges } Fed'l State
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No If "Yes" give date filed

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Month/Day/Year

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